IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Revision No. 5763 of 2006

Date of Decision: 2.11.2006

Raj Kumar through his attorney Sardar Lal son of Banta Ram

...Petitioner.

Versus

Smt. Kamlesh

...Respondent.

CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.

PRESENT: Mr. B.D.Sharma, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

In this revision petition filed under Article 227 of the Constitution of India, challenge is to order dated 10.10.2006 passed by the Civil Judge (Junior Division), Jalandhar, whereby the evidence of the defendant-petitioner has been closed by the order of the court.

Counsel for the petitioner submits that in the interest of justice, one opportunity may be granted to the petitioner to lead his entire evidence and the respondent can be compensated by way of costs. He further submits that the petitioner will lead his entire evidence on the date to be fixed by the trial court.

Ordinarily, I would have issued notice of motion to the respondent which would prolong the case and would entail unnecessary expenses to her. Therefore, the present petition is being disposed of without issuing notice of motion to the respondent.

After hearing learned counsel for the petitioner and in the facts and circumstances of the present case and in the interest of justice, this revision petition is allowed and the impugned order dated 10.10.2006 is set aside. It is directed that the petitioner shall be granted one opportunity to lead his entire evidence at his own risk and responsibility on a date to be fixed by the trial court subject to payment of Rs.500/- as costs. It is, however, made clear that in case the petitioner fails to lead his entire evidence on the date to be fixed by the trial Court or to pay the costs, this revision petition shall be deemed to have been dismissed.

November 2, 2006 **(AJAY KUMAR MITTAL)**
gbs **JUDGE**